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August 19, 2010

In re New York City Off-Track Betting Corporation,
Case No. 09-17121-MG

Dear Judge Glenn:

In accordance with this Court's August 5, 2010 Memorandum Opinion and Order Denying in Part and Abstaining in Part with respect to the motions to compel certain payments and with this Court's August 12, 2010 endorsed memorandum order, New York City Off-Track Betting Corporation and Empire Resorts, Inc. have agreed on the selection of a mediator. We have been advised indirectly that Finger Lakes Racing Association, Inc. has agreed as well, but we are awaiting confirmation, which has been delayed due to client travel. We are also awaiting the response of the proposed mediator confirming that he has agreed to serve. We propose that we advise the Court no later than noon on Monday, August 23, 2010 of the result of both pending inquiries.

Because this letter is being filed publicly, I am not including the proposed mediator's name until we have confirmed that he is willing to serve. If the Court desires, we will file his name and a short description of his background immediately under seal until such time as he agrees to serve.

I have advised both Empire Resorts' and Finger Lakes Racing's counsel of the contents of this letter. However, because we have waited as long as possible to secure confirmation of the two inquiries noted above before sending this letter, time has not permitted them to advise whether they concur.

Sincerely,


Richard Levin

Honorable Martin Glenn
United States Bankruptcy Judge
United States Bankruptcy Court for the Southern District of New York
One Bowling Green
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